

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ALTAGRACIA J. PEGUERO,

Plaintiff,

v.

AMERICAN EXPRESS COMPANY,
THE SKLOVER GROUP, INC., and
FEDERAL INSURANCE COMPANY,

Defendants.

Civil Action No. 05-10995-RCL

**ANSWER AND AFFIRMATIVE DEFENSES OF
DEFENDANT FEDERAL INSURANCE COMPANY TO
DEFENDANT AMERICAN EXPRESS COMPANY'S
CROSS-CLAIM FOR INDEMNIFICATION AND CONTRIBUTION**

Defendant Federal Insurance Company ("Federal"), by and through its undersigned counsel, Riemer & Braunstein LLP and Paul, Weiss, Rifkind, Wharton & Garrison LLP, hereby answers the Cross-Claim for Indemnification and Contribution ("Cross-Claim") asserted by Defendant American Express Company ("American Express") in the above-captioned action, as follows:

1. Federal admits the allegations in Paragraph 1 of the Cross-Claim.
2. Federal denies the allegation in Paragraph 2 of the Cross-Claim, but avers that Federal Insurance Company is a corporation duly organized under the laws of the State of Indiana, with its principal place of business in the State of New Jersey.
3. Federal admits the allegations in Paragraph 3 of the Cross-Claim.
4. Federal denies the allegations in Paragraph 4 of the Cross-Claim.
5. Federal denies the allegations in Paragraph 5 of the Cross-Claim.

AFFIRMATIVE DEFENSES

Having denied each and every allegation of the Cross-Claim not specifically admitted, Federal raises the following affirmative defenses.

First Affirmative Defense

There is no contractual or other business relationship between Federal and American Express with respect to the insurance coverage purchased by Altagracia Peguero, Plaintiff in the above-captioned action, that would give rise to a claim for indemnification or contribution by American Express.

Second Affirmative Defense

The Cross-Claim, in whole or in part, fails to state a claim upon which relief can be granted.

Third Affirmative Defense

The claims in the Cross-Claim are barred by the doctrine of laches.

Fourth Affirmative Defense

The claims in the Cross-Claim are barred by the doctrine of estoppel.

Fifth Affirmative Defense

The claims in the Cross-Claim are barred by the doctrine of waiver.

Sixth Affirmative Defense

Federal reserves the right to amend its pleading to assert additional affirmative defenses.

Dated: Boston, Massachusetts
September 21, 2005

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By: /s/ Mark W. Corner
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CERTIFICATE OF SERVICE

I, Mark W. Corner hereby certify that on this date, September 21, 2005, I caused to be served the foregoing document, by electronic notice, upon the following counsel of record:

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